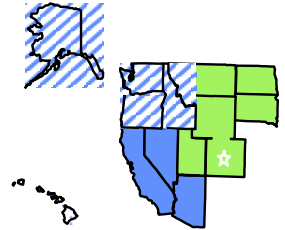




US Army Environmental Center Western Regional Environmental Office REGION 9 – NOVEMBER 2003 WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada. We appreciate your feedback. Please contact the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0954, or fax: (303) 844-0951.

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The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail #wreo@rma.army.mil. Write "Subscription" as the subject and include your name and e-mail address in the body of the message.

Past issues of the Regional Reviews are available at <http://aec.army.mil> under "Regional Offices."

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – PSD AND NSR EXCLUSION REVISIONS – On 27 October 2003 (68 FR 61247), EPA finalized revisions to the regulations governing the New Source Review (NSR) programs mandated by parts C and D of title I of the Clean Air Act. The revisions incorporate comments from the proposed rule for "Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Routine Maintenance, Repair and Replacement." These changes provide a category of equipment replacement activities that is not subject to Major NSR requirements under the routine maintenance, repair and replacement exclusion. The rule will be effective 26 December 2003. For further information, contact Dave Svendsgaard, EPA at (919) 541-2380, or e-mail: svendsgaard.dave@epa.gov

FINAL RULE – REQUIREMENTS FOR SOLID WASTE INCINERATORS CONSTRUCTED BEFORE 30 NOVEMBER 1999 – On 3 October 2003 (68 FR 57517), EPA promulgated a Federal plan to implement emission guidelines for existing commercial and industrial solid waste incineration (CISWI) units located in states without effective state plans required by Sections 111 and 129 of the Clean Air Act. This Federal plan is an interim action because on the effective date of an approved state plan, the Federal plan will no longer apply to CISWI units covered by the state plan. This rule was effective 3 November 2003. For further information, contact David Painter, EPA at (919) 541-5515, or e-mail: painter.david@epa.gov.

FINAL RULE – NESHAP FOR SITE REMEDIATION – On 8 October 2003 (68 FR 58171), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) from site remediation. The rule applies to certain types of site remediation activities that are conducted at a facility where non-remediation sources are a major source of HAP emissions. Site remediation already regulated under CERCLA or RCRA is not subject to the rule. Site remediation subject to the rule is required to control emissions of organic HAP by meeting emissions limitations and work practice standards reflecting the application of maximum achievable control technology. The NESHAP was effective 8 October 2003. For further information, contact Greg Nizich, EPA at (919) 541-3078, or e-mail: nizich.greg@epa.gov.

FINAL RULE – STANDARDS OF PERFORMANCE FOR ORGANIC LIQUID STORAGE VESSELS – On 15 October 2003 (68 FR 59328), EPA amended the regulations addressing volatile organic liquid storage vessels (including petroleum liquid storage) for which construction, reconstruction, or modification commenced after 23 July 1984, to exempt certain storage vessels by capacity and vapor pressure, exempt process tanks, and add a definition for process tanks. Changes include reduction in the regulated storage tank size from 40,000 gallons to 19815 gallons, and exclusion of tanks storing materials of low volatility. Underground tanks (above the size threshold) are covered by this regulation unless the total volume of petroleum liquids added to and taken from the tank annually does not exceed twice the volume of the tank. The amendments were effective 15 October 2003. For further information, contact Mark Morris, EPA at (919) 541-5416, or e-mail: morris.mark@epa.gov.

PROPOSED RULE – CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES –

On 30 September 2003 (68 FR 56226), EPA proposed to amend existing regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. EPA proposed new emission standards for oxides of nitrogen (NO_x) for newly certified commercial aircraft gas turbine engines with rated thrust greater than 26.7 kilonewtons. This action proposed to adopt standards equivalent to the latest (effective in 2004) NO_x standards of the United Nations International Civil Aviation Organization (ICAO) and bring the United States emission standards into alignment with the internationally adopted standards. In addition, EPA also proposes to amend the test procedures for gaseous exhaust emissions to correspond to recent amendments to the ICAO test procedures for these emissions. Comments are due by 15 December 2003. For further information, contact Bryan Manning, EPA at (734) 214-4832, or e-mail: manning.bryan@epa.gov.

PROPOSED RULE – TRANSPORTATION CONFORMITY AMENDMENTS FOR OZONE AND PM_{2.5} –

On 5 November 2003 (68 FR 62689), EPA proposed to amend the transportation conformity rule to include criteria and procedures for the new 8-hour ozone and fine particulate matter (PM_{2.5}) national ambient air quality standards. Transportation conformity is required under Clean Air Act section 176(c) to ensure that federally supported highway and transit project activities are consistent with State Implementation Plans. The proposal provides guidance for when conformity will first apply in areas that are designated nonattainment for the 8-hour ozone and PM_{2.5} standards. Comments must be received by 22 December 2003. For further information, contact Meg Patulski, EPA at (734) 214-4842, or e-mail: patulski.meg@epa.gov.

PROPOSED RULE – UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS – On 10 October 2003 (68 FR 58837), EPA proposed to amend five instrumental test methods that are used to measure air pollutant emissions from stationary sources. The intended effect of this rule is to harmonize, simplify, and update the test methods. The methods were originally developed for specific industry applications, but have since been adapted to general testing applications. These revisions would remove inconsistencies in equipment and performance specifications so each method would be similar in these respects and have expanded applicability. EPA also proposed to add helpful calculation procedures, quality assurance recommendations, and provisions for sampling at low concentrations. Comments are due by 9 December 2003. For further information, contact Foston Curtis, EPA at (919) 541-1063, or e-mail: curtis.foston@epa.gov.

WASTE INFORMATION:

PROPOSED RULE – REVISIONS TO DEFINITION OF SOLID WASTE – On 28 October 2003 (68 FR 61557), EPA proposed revisions to the definition of solid waste that identify certain recyclable hazardous secondary materials as not discarded, and thus not subject to regulation as wastes under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The proposed rule would also establish specific regulatory criteria for determining whether or not hazardous secondary materials are recycled legitimately. Comments are due by 26 January 2004. For further information, contact Dave Fagan, EPA at (703) 308-0603, or e-mail: fagan.david@epa.gov.

NOTICE OF AVAILABILITY – GUIDANCE FOR FACILITIES SUBJECT TO SUBTITLE C OF RCRA –

On 6 October 2003 (68 FR 57691), EPA announced the availability of the final "Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act." This guidance is designed to provide EPA Regions, states, the regulated community, members of the public, and other stakeholders with a better understanding of EPA's general results-based strategy for RCRA Corrective Action. This document provides guidance on how EPA generally intends to exercise its discretion in implementing its statutory authorities and regulations. For further information, contact Karen Tomimatsu, EPA at (703) 605-0698, or link: <http://www.epa.gov/correctiveaction>.



GENERAL INFORMATION

PROPOSED RULE – DOD MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL – On 22 August 2003 (68 FR 50899), DoD proposed a rule that establishes the Munitions Response Site Prioritization Protocol. The purpose of the Protocol is to assign a relative priority for munitions responses to each location in the inventory of munitions response sites known or suspected of containing unexploded ordnance, discarded military munitions, or munitions constituents. The Protocol evaluates the following potential explosive safety and environmental hazards: 1) explosive hazards posed by unexploded ordnance and discarded military munitions; 2) hazards associated with the effects of chemical warfare materiel; and 3) chronic health and environmental hazards posed by munitions constituents or other chemical constituents. The Protocol has three hazard evaluation modules, each of which is specific to one type of hazard. Comments are due by 20 November 2003. For further information, contact the Office of the Deputy Under Secretary of Defense at (703) 695-6107.

GAO REPORT – DOD STOCKPILE DESTRUCTION PROGRAM - GAO has published testimony to a subcommittee of the House Armed Services Committee reviewing the management of DoD's chemical stockpile destruction program. GAO credits the program with improving emergency preparedness in communities near the sites. Generally however, GAO criticizes the program's management structure as too complex with unclear lines of authority, and indicates that the chemical demilitarization effort will not meet scheduled milestones. For further information, contact Henry Hinton, GAO at (202) 512-4300, or link: <http://www.gao.gov/new.items/d04221t.pdf>.

GAO REPORT – INTERAGENCY MANAGEMENT FOR ENDANGERED SPECIES AFFECTING TRAINING RANGES - GAO has released a report addressing a need for increased interagency coordination in regional management of endangered species affecting military training ranges. GAO indicates that federal agencies have made little progress in implementing various agreements for cooperative management in this area and notes that "federal agencies cannot easily share information - such as best practices and land management plans - because there is no centralized source for this information." GAO recommended that the Secretaries of Defense, the Interior, and Agriculture implement an interagency strategy, a comprehensive training program, and a centralized data source for cooperative management efforts. DoD generally concurred with GAO and recommended modeling the coordination effort after the existing Interagency Military Land Use Coordination Committee. For further information, contact Barry Holman, Gao at (202) 512-8412, or link: <http://www.gao.gov/new.items/d03976.pdf>.

NOTICE – OSHA EXPOSURE LIMITS FOR CHEMICAL WARFARE AGENTS – On 17 September 2003 (68 FR 54460), the Centers for Disease Control (CDC) finalized their recommended airborne exposure limits for the chemical warfare nerve agents GA (tabun), GB (sarin), and VX to protect workers and the public during destruction of chemical agent stockpiles. CDC has proposed values for: 1) WPL (worker population limit), expressed as an 8-hour time-weighted average; 2) GPL (general population limit), based on continuous exposure; 3) STEL (short term excursion limit), for worker exposure not longer than 15 minutes; and 4) IDLH (immediately dangerous to life or health). Airborne exposure limits for these agents were re-evaluated by using a conventional risk assessment methodology for developing airborne exposure limits described by EPA. This methodology is considered conservative; however, the calculated exposure limits are not numerically precise and do not define precise thresholds of potential human toxicity. CDC's recommended WPL and GPL values are lower by as much as ten-fold from previous values recommended in 1988. An effective date of 1 January 2005 has been set to allow DoD to make program adjustments and changes to environmental permits. For further information, contact Dr. Paul Joe, CDC, 4770 Buford Highway, M/S F-16, Atlanta, GA 30341.

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UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS

EMERGENCY PREPAREDNESS AND PREVENTION CONFERENCE

16-19 November 2003 – Norfolk, Virginia

The theme of this EPA conference is "Stay the Course," and will emphasize the importance of continued diligence and focus on emergency planning and preparedness efforts. The conference will include workshops, general sessions, networking opportunities, and an exhibit hall. For more information or to register, link: <http://www.2003conference.org>.

NREP/INSTEP ANNUAL TECHNICAL CONFERENCE

17-21 November 2003 – Orlando, Florida

The National Registry of Environmental Professionals and the International Society of Technical and Environmental Professionals are co-sponsoring this conference. The agenda includes certification preparatory workshops, technical papers, and special seminars for updating professional skills. For more information or to register, link: <http://www.nrep.org/conference/conference2.html>.

McCOY RCRA SEMINAR

17-21 November 2003 – Las Vegas, Nevada

9-13 February 2004 – Phoenix, Arizona

21-25 June – Portland, Oregon

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link: <http://www.mccoyseminars.com>.

EMERGENCY SERVICES SYMPOSIUM

17-21 November 2003 – Colorado Springs, Colorado

The Air Force Space Command is offering this symposium to federal and DoD managers with an assigned mission in emergency services, regional, state and local emergency management leaders, industry executives with products that support emergency services, and trainers in emergency services. The symposium will feature workshops, exhibits, and formal training sessions from DoD, Air Force, and federal agencies responsible for emergency services. For more information or to register, link: http://www.cheyennemeetings.com/AFSPC_Emergency_Services_Symposium.

LABS21 HIGH PERFORMANCE, LOW-ENERGY DESIGN COURSE

19 November 2003 – San Diego, California

20 November 2003 – Los Angeles, California

EPA and the US Department of Energy, Federal Energy Management Program, are presenting this course, which will be taught by experienced lab designers, energy managers, and facilities professionals. They will introduce new strategies to improve the energy efficiency of laboratories. Course topics include: The Architecture of High Performance Labs, The Energy Efficient Design System, Air Supply and Distribution Systems, Case Studies, and Resources and Tools. For more information or to register, link: <http://www.epa.gov/labs21century/training/designcourse>.

CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES**2-3 December 2003 – Richland, Washington****17-18 February 2004 – Idaho Falls, Idaho**

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

PARTNERS IN ENVIRONMENTAL TECHNOLOGY SYMPOSIUM**2-4 December 2003 – Washington, DC**

The Strategic Environmental Research and Development Program and the Environmental Security Certification Program are hosting this symposium and workshop with the theme: "Meeting DoD's Environmental Challenges." A major focus will be sustainability of military testing and training ranges. The symposium will offer 12 technical sessions that highlight proven technologies, as well as technologies needed to address emerging environmental challenges. For more information, link: <http://www.serdp.org/news/ESA4c.pdf>.

"AN ORGANIZATIONAL GUIDE TO POLLUTION PREVENTION" WORKSHOP**9-11 December 2003 – Philadelphia, Pennsylvania**

EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. There is no registration fee for the workshop. For further information, visit the workshop website at www.epa.gov/ttnrmrl/p2workshop.htm.

APPLIED CLEAN AIR ACT**16-18 December 2003 – Orlando, Florida**

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

ENVIRONMENTAL LAWS AND REGULATIONS**18-20 December 2003 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT**5-8 January 2004 – New Orleans, Louisiana**

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

ADVANCED RISK COMMUNICATION WORKSHOP**13-15 January 2004 – San Diego, California****2-5 August 2004 – Salt Lake City, Utah**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed below (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, call (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

2004 NORTH AMERICAN ENVIRONMENTAL FIELD CONFERENCE**14-16 January 2004 – Tampa, Florida**

This conference will feature 40 papers discussing cutting-edge field-based technology for environmental site characterization and monitoring. An educational exposition will include state-of-the-science environmental field equipment and services. For more information or to register, link: <http://www.envirofieldconference.com>.

CERCLA ORIENTATION AND REMEDIAL INVESTIGATION/FEASIBILITY STUDY**27-27 January 2004 – Richland, Washington**

The Resource Training Institute (RTI) is offering this course for personnel that have little or no experience in the basic background and implementation of CERCLA. Participants are provided with an in-depth review of the Remedial Investigation/Feasibility Study (RI/FS) process as it applies to environmental restoration programs. Following an overview of the CERCLA Process, the course focuses on the RI/FS process and addresses site characterization, risk assessment, and remedy selection issues. Attention is also given to public involvement in the cleanup process. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

ENVIRONMENTAL IMPACTS OF PRESERVATIVE TREATED WOOD**8-11 February 2004 – Orlando, Florida**

The University of Florida and the National Science Foundation are sponsoring this conference to bring together experts in the field of preservative treated wood who will share research results and develop a research agenda for future studies. Conference topics include critical issues associated with preservative treated wood, and new technologies for managing discarded treated wood. For more information or to register, call (352) 392-1701, or link: <http://fices.org>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOP**24-26 February 2004 – Seattle, Washington****27-29 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and use strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, link <http://chppm-www.apgea.army.mil/risk>.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**24-26 February 2004 – Jacksonville, Florida****20-22 April 2004 – San Antonio, Texas****20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

NATURAL RESOURCES COMPLIANCE**24-27 February 2004 – San Antonio, Texas****22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

2ND ANNUAL ARMY ENVIRONMENTAL TRAINING SYMPOSIUM**1-5 March 2004 – Kansas City, Missouri**

The Army Engineer School is hosting this symposium to provide environmental training to installation (Active Army, National Guard, and Army Reserve) environmental personnel and installation stakeholders. Training topics include 1) satellite accumulation point operator; 2) hazardous materials handler; 3) HAZWOPER 8-hour refresher; 4) pollution prevention; and 5) spill prevention and response. For more information, call (573) 563-4124.

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

30TH ENVIRONMENTAL AND ENERGY SYMPOSIUM**5-8 April 2004 – San Diego, California**

The National Defense Industrial Association is presenting this symposium to provide a national forum for the exchange of technical information, government policy, regulations, programs, and law; and new ideas on environmental and energy issues, performance tracking, and areas of concern. The theme of the symposium is: "DoD Transformation Leading Towards Results-Based Environmental and Energy Programs." This event is intended for industry leaders, practitioners, environmental and energy officials, operators, and other personnel within government agencies. For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT**19-22 April 2004 – Baltimore, Maryland**

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled "One Environment/One Conference," will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link: <http://www.p2.org/summit2004/>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



ARIZONA

AIR INFORMATION:

NOTICE OF ADEQUACY – MARICOPA COUNTY CARBON MONOXIDE EMISSION BUDGETS – On 29 September 2003 (68 FR 55950), EPA published a notice that the motor vehicle emissions budgets contained in the Maricopa County 2003 Carbon Monoxide (CO) Redesignation Request and Maintenance Plan are adequate for conformity purposes. As a result of EPA's finding, the Maricopa Association of Governments and the U.S. Department of Transportation must use the CO motor vehicle emissions budgets from the submitted CO Redesignation Request and Maintenance Plan for future conformity determinations. The determination was effective 14 October 2003. For further information, contact Wienke Tax, EPA at (520) 622-1622, or e-mail: tax.wienke@epa.gov.

WASTE INFORMATION:

PROPOSED REGULATION – INTERIM DUER FEE RULE – The Arizona Department of Environmental Quality (DEQ) has proposed to establish a fee to be paid to DEQ before a property owner records a Declaration of Environmental Use Restriction (DUE). The fees paid under this rule will serve as the major funding source for the Institutional and Engineering Control Fund. DEQ will hold a public hearing 24 November 2003. Comments are due by 25 November. For more information, contact Jim Lawless at (602) 771-4562, or link: <http://www.adeq.state.az.us/about/drafrules.html#usefee>.

Legislative Developments

The 2003 legislative session began 12 January and ended 23 May. A summary of significant environmental bills that were passed and signed was included in the June Review. For more information on the legislative session, link <http://www.azleg.state.az.us>.



CALIFORNIA

Regulatory Developments & Other State Information

FINAL REGULATION – UNIFIED PROGRAMS STATE SURCHARGE – The California Environmental Protection Agency has adopted increases to its State surcharge for its Unified Programs. The surcharges will be: (1) \$24 for hazardous materials; (2) \$15 for underground storage tanks; and (3) \$270 for the California Accidental Release Prevention Program. The increases will be effective 18 November 2003. For more information, contact Larry Matz at (916) 327-3442, or link: <http://www.oal.ca.gov/notice/21z-2003.pdf>.

FINAL GUIDANCE – PUBLIC HEALTH GOALS FOR 11 CHEMICALS – The California Office of Environmental Health Hazard Assessment (OEHHA) has adopted Public Health Goals for 11 chemicals. The chemicals are: (1) 1,1-dichloroethane; (2) asbestos; (3) barium; (4) beryllium; (5) chlorobenzene; (6) diethylhexyl adipate; (7) ethylene dibromide; (8) hexachlorobenzene; (9) silvex; (10) 1,1,2,2-trichloroethane; and (11) toxaphene. The goals are not binding regulations. However, the Department of Health Services is required to establish a Maximum Contaminant Level for the specified chemicals that is as close to goals as is technically and economically feasible. In addition, while drinking water suppliers are not required to meet the goals, they do have to disclose in their annual consumer reports any deviation between levels of a contaminant in the water supply and that contaminant's goal. Also, parties responsible for ground water cleanup may be required to remediate the contamination based on the goals. The goals were effective 26 September 2003. For more information, contact Robert Howd at (510) 622-3168, or link: <http://www.oehha.ca.gov/water/phg/092603phgs.html>.

FINAL GUIDANCE – TOXIC EQUIVALENCY FACTOR SCHEME – OEHHA has adopted the revised Toxic Equivalency Factor (TEF-WHO-1997) Scheme for use in implementing the State's Toxic Air Contaminant and Air Toxics Hot Spots programs. OEHHA adopted the latest World Health Organization scheme. TEFs are numerical factors that express the toxicity of an individual dioxin-like compound relative to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). OEHHA adopted the guidance 29 August 2003. It will be effective when published in the State Register. For more information, contact Andrew Salmon at (510) 622-3150, or link: http://www.oehha.ca.gov/air/toxic_contaminants/pdf_zip/TEQDioxin2002.pdf.

AIR INFORMATION:

DIRECT FINAL RULE – APPROVAL OF BAY AREA VOC SIP REVISIONS – On 30 October 2003 (68 FR 61753), EPA took direct final action to approve revisions to the Bay Area Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from solvent and surface cleaning operations during large appliance and metal furniture coating, miscellaneous metal parts coating, plastic parts and products coating, and marine vessel coating. EPA is approving local rules that regulate these emission sources under the Clean Air Act. This rule will be effective 29 December 2003 without further notice, unless EPA receives adverse comments by 1 December 2003. If EPA receives such comments, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Jerald Wamsley, EPA at (415) 947-4111, or e-mail: wamsley.jerry@epa.gov.

DIRECT FINAL RULE – APPROVAL OF REVISIONS TO MONTEREY SOX SIP – On 30 September 2003 (68 FR 56174), EPA took direct final action to approve revisions to the Monterey Bay Unified Air Pollution Control District portion of the California State Implementation Plan (SIP). The revisions regulate the emission of sulfur oxides (SOX) from the combustion of liquid and gaseous fuels. EPA is approving local rules that regulate these emission sources under the Clean Air Act. This rule is effective on 1 December 2003, without further notice, unless EPA received adverse comments by 30 October 2003. If

EPA received such comments, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Al Petersen, EPA at (415) 947-4118.

PROPOSED RULE - ATTAINMENT OF OZONE STANDARD IN BAY AREA – On 31 October 2003 (68 FR 62041), EPA proposed to determine that the San Francisco Bay Area has attained the 1-hour ozone air quality standard by the deadline required by the Clean Air Act. EPA also proposed to determine that the Act's requirements for reasonable further progress, attainment demonstration, and contingency provisions are not applicable to the area as long as the Bay Area continues to attain the 1-hour ozone standard. Comments must be received by 1 December 2003. For further information, contact Ginger Vagenas, EPA at (415) 972-3964, or e-mail: vagenas.ginger@epa.gov.

FINAL REGULATION – ADMINISTRATIVE PENALTIES – The California Air Resources Board (CARB) has adopted amendments to its administrative penalty program. The amendments broaden CARB's authority to impose administrative penalties as an alternative to seeking civil penalties for less serious violations for vehicular (mobile) and non-vehicular (stationary) regulations. The amendments were effective 4 October 2003. For more information, contact Alexa Malik at (916) 322-4011, or link: <http://www.arb.ca.gov/regact/adminpen/adminpen.htm>.

FINAL REGULATION – SAN JOAQUIN CONTROL OF EMISSIONS FROM INTERNAL COMBUSTION ENGINES – The San Joaquin Valley Air Pollution Control District has adopted amendments to its rules for emissions from stationary internal combustion engines. The amendments: (1) apply Rule 4702 only to spark-ignited engines rather than compression-ignited engines (diesel engines); (2) amend recordkeeping, monitoring, and periodic source testing in Rule 4701 to correct USEPA-identified deficiencies; and (3) establish limits for CO, NO_x, and VOC emissions from lean-burn and rich-burn spark-ignited engines. The amendments were effective 21 August 2003. For more information, contact Saul Gamez at (559) 230-5800.

FINAL REGULATION – SAN JOAQUIN CONTROL OF EMISSIONS FROM BOILERS, STEAM GENERATORS, AND PROCESS HEATERS - The San Joaquin Valley Air Pollution Control District has adopted amendments to its rules for emissions from boilers, steam generators, and process heaters. The amendments: (1) delete the best available control technology and offset requirements because these are in the rules relating to new source review; (2) specify for compliance an averaging period of 15-consecutive-minute block average; (3) include calculation equation for determining the NO_x limit for units operated on combinations of gaseous and liquid fuel; (4) specify compliance criteria for start-up and shut-down; (5) delete the Alternate Emission Control Plan provision; (6) amend definition of "rated heat input"; (7) require tuneups to be performed by a qualified technician; (8) change the recordkeeping period from 2 to 5 years; (8) in Rule 4306, establish more effective emission limits than in Rule 4305; (9) in Rule 4306, increase the tuneup frequency from annual to twice yearly; and (10) require source testing at conditions representative of normal operations or conditions specified in the Permit to Operate. The amendments were effective 18 September 2003. For more information, contact Manuel Salinas at (559) 230-5800.

FINAL REGULATION – SOUTH COAST ADHESIVES AND SEALANTS – The South Coast Air Quality Management District has adopted amendments regarding VOC emissions from adhesive and sealant applications. The amendments will extend the compliance date for automotive and marine top and trim adhesives to further evaluate the performance and workability of low-emission technology as it is becoming available for general use by industry. It also conditions the current exemption for light curable adhesives and sealants to those that meet a maximum allowable VOC content of 30 grams per liter subject to recordkeeping under Rule 109. These amendments were meant to address SIP approval issues identified by EPA. The amendments were effective 3 October 2003. For more information, contact William Milner at (909) 396-2553, or link: <http://www.aqmd.gov/rules/html/r1168.html>.

PROPOSED REGULATION – AIR TOXIC CONTROL MEASURES FOR STATIONARY DIESEL ENGINES – CARB has proposed air toxic control measures for both existing and new stationary diesel engines. Both measures prescribe standards for particulate matter, methane, nitrogen oxides, nitrogen dioxide, and carbon monoxide. For existing engines, the following would be exempt: (1) combustion

ignition engines of less than 50 horsepower; (2) engines for emergency or standby power operations that are now exempted by a local air district; (3) engines used on San Nicholas and San Clemente Islands; (4) engines use in agricultural operations; (5) engines used by DoD personnel for weapons testing; and (6) engines that meet certain operation requirements. For new engines, the following would be exempt: (1) engines use in agricultural operations; and (2) engines used by DoD personnel for weapons testing. CARB will hold a public hearing 20 November 2003. For more information, contact Alex Santos at (916) 327-5638, or link: <http://www.arb.ca.gov/regact/statde/statde.htm>.

PROPOSED REGULATION – DIESEL EMISSION VERIFICATION PROCEDURE – CARB has proposed amendments to the diesel emission control strategy verification procedure. The amendments will involve warranty requirements, proposed verification testing protocol, durability testing requirements, and the nitrogen dioxide emission limit. Comments are due by 10 December 2003. For more information, contact Paul Hendrick at (626) 350-6440, or link: <http://www.arb.ca.gov/regact/verpro03/verpro03.htm>.

WASTE INFORMATION:

FINAL REGULATION – WASTE TIRE MONOFILL REQUIREMENTS – The California Integrated Waste Management Board has adopted regulations to establish minimum standards and permit requirements for waste tire monofills. The regulations include: (1) a requirement that waste tire monofills operate under a Full Solid Waste Facilities Permit; (2) minimum operating criteria; (3) facility record keeping requirements; (4) the filing of a fire prevention and control plan; (5) monofill design and construction standards; (6) siting criteria; and (7) closure and post closure criteria. The regulations will be effective 13 November 2003. For more information, contact Keith Kennedy at (916) 341-6341, or link: <http://www.ciwmb.ca.gov/Rulemaking/Monofill/InformalTxt3.doc>.

WATER INFORMATION:

FINAL REGULATION – REVISIONS TO ANNUAL FEE SCHEDULE – The California Water Resources Control Board has adopted revisions to its annual fee schedule in accordance with the State Budget proposed for fiscal year 2003-04. The budget requires an increase in the level of fee support for the Board's regulatory programs by \$16 million, replacing a General Fund reduction of the same amount. Fees will increase in the following areas: (1) water discharge requirements and land disposal programs; (2) municipal publicly owned treatment works (POTW) permits; (3) industrial non-POTW permits; (4) dredge and fill permits; (5) general storm water industrial permits; and (6) general storm water construction permits. The fees are retroactive to 1 July 2003. The Regional Environmental Counsels are working with the Board to ensure that these substantial increased fees are correlated with the services received so that they remain payable fees, not impermissible fees. For more information, contact Jim Maughan at (916) 341-5522, or link: <http://www.swrcb.ca.gov/docs/resolution03-0064.pdf>.

Legislative Developments

The 2003 legislative session began 7 January and ended 12 September. A summary of significant environmental bills that were passed and signed is presented below. For more information on the legislative session, link <http://www.leginfo.ca.gov/index.html>.

CALIFORNIA AB 826 – PERCHLORATE - Establishes a program to eliminate or significantly reduce perchlorate in the State's drinking water and to ensure that the Department of Health Services sets regulatory drinking water standards for perchlorate that are as close to the corresponding public health goal as is economically and technically feasible. Signed by Governor Gray Davis (D) 29 September. The sponsor is Assemblywoman Hannah-Beth Jackson (D).

CALIFORNIA AB 1247 – HAZARDOUS WASTE - Requires the Department of Toxic Substances Control to allow the public a meaningful opportunity to comment upon a proposed hazardous waste facility closure and postclosure plan before the Department initially approves the plan and before the Department makes any significant changes to an approved plan. Authorizes the Department to approve the hazardous waste facility closure and postclosure plans by issuing a postclosure permit, issuing an

enforceable order, or entering into an enforceable agreement. Signed by Governor 3 September. The sponsor is Assemblyman Greg Aghazarian (R).

CALIFORNIA AB 1248 – WASTE DISPOSAL - Requires the State Water Resources Control Board and the California Regional Water Quality Control Board, as appropriate, to provide public notice and an opportunity to comment prior to issuance of waste discharge permits, dredged or fill material permits, and actions to enforce those requirements, including the issuance of time schedule orders and cleanup or abatement orders. Signed by Governor 8 October. The sponsor is Assemblyman Greg Aghazarian (R).

CALIFORNIA AB 1541 – WATER QUALITY - Classifies a failure to file certain technical or monitoring reports required by a California Regional Water Quality Control Board or the State Water Resources Control Board relating to the discharge of waste or dredged or fill material as a "serious violation." Signed by Governor 29 September. The sponsor is Assemblywoman Cindy Montanez (D).

CALIFORNIA AB 1700 – ENVIRONMENTAL RESTORATION - Prohibits the State Controller and the Department of Finance from eliminating positions or expenditure authority, or imposing a hiring freeze or other personal services limitations, as specified, upon any non-General Fund program that provides oversight and related support of remediation and hazardous substance management at a military base. Signed by Governor 12 October. The sponsor is the Committee on Environmental Safety and Toxic Materials.

CALIFORNIA AB 1702 – UNDERGROUND STORAGE TANKS - Revises the definition of unauthorized release to delete the exclusion for releases authorized by the State Water Resources Control Board or a regional board. Deletes the authorization to impose certain penalties and provides that both the owner and the operator of an underground tank are responsible for compliance with the requirements for an underground storage tank. Signed by Governor 7 July. The sponsor is the Committee on Environmental Safety and Toxic Materials.

CALIFORNIA AB 1724 – PESTICIDES - Authorizes the Director of Pesticide Regulation to levy a civil penalty against any person who possesses or uses any pesticide that is not registered pursuant to specified provisions, or for which registration has been suspended. Introduced 3 March 2003. Signed by Governor 11 September. The sponsor is the Assembly Agriculture Committee.

CALIFORNIA ABX 1.10 – AIR QUALITY - Authorizes the Air Resources Board to impose additional permit fees directly on nonvehicular sources within a district's jurisdiction. Authorizes the Board to require a district to collect those fees, to establish a system for direct collection of those fees by the Board, and to contract with any other State agency for the collection of those fees. Lowers the threshold emission level for the imposition of the permit fees on nonvehicular sources by requiring those fees to be collected from nonvehicular sources that are authorized by the district to emit 250 tons or more per year of any nonattainment pollutant or its precursors. Signed by Governor 18 March. The sponsor is Assemblywoman Jenny Oropeza (D).

CALIFORNIA SB 20 – ELECTRONIC WASTE - States legislative intent to ensure that funds are available to assist cities, counties, and recyclers of electronic wastes in developing programs to safely collect and recycle the hazardous materials contained in electronic wastes, and to promote the refurbishment and reuse of electronic equipment for use by schools and nonprofit agencies. Signed by Governor 24 September. The sponsor is Senator Byron Sher (D).

CALIFORNIA SB 56 – FLOOD CONTROL - Adopts and authorizes the upstream and downstream portions of the Murrieta Creek Flood Control Project in Riverside County. Requires the Riverside County Flood Control and Water Conservation District to carry out the project and to give assurances of local cooperation to the Secretary of the Army, thereby imposing a State-mandated local program. Signed by Governor 10 October. The sponsor is Senator Dennis Hollingsworth (R).

CALIFORNIA SB 216 – ENDANGERED SPECIES – Extends the repeal date (to 1 January 2009) for existing law that requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the Greater Sandhill Crane and authorizes the Fish and Game Commission, based on recommendations from the Department, to identify four additional candidate, threatened, or endangered species for which the Department will develop and implement a recovery strategy. Signed by Governor 11 October. The sponsor is Senator Byron Sher (D).

CALIFORNIA SB 656 – AIR QUALITY - Requires the State Air Resources Board to identify all readily available, feasible and cost-effective control measures that could be employed by the Board and the districts to reduce emissions of PM 10 and PM 2.5 from new and existing stationary and area sources. Requires the Board, together with the districts, to identify all readily available, feasible and cost-effective measures that could be employed by the Board and local air districts to reduce PM 10 and PM 2.5 from diesel-powered engines in stationary and mobile applications. Introduced 21 February 2003. Passed Senate 4 June. Passed Assembly September 4. Senate concurred in Assembly amendments 9 September. Sent to Governor 11 September. The sponsor is Senator Byron D. Sher (D).

CALIFORNIA SB 1004 – WATER QUALITY - Requires a person who causes or permits perchlorate discharges to any waters of the State to immediately notify the State Water Resources Control Board. Makes a person who fails to provide that notice guilty of a misdemeanor that is punishable by a fine of not less than \$500, or more than \$5,000, for each day of failure to notify. Introduced 21 February 2003. Signed by Governor 29 September. The sponsor is Senator Nell Soto (D).

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HAWAII

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Regulatory Developments & Other State Information

NOTICE OF AVAILABILITY – REVISED RECOVERY PLAN FOR HAWAIIAN FOREST BIRDS – On 16 October 2003 (68 FR 59635), the U.S. Fish and Wildlife Service (FWS) announced the availability of a Draft Revised Recovery Plan for Hawaiian Forest Birds. There are 21 bird taxa included in this plan, with 19 listed as endangered, one a candidate species for Federal listing, and one a species of concern. These taxa are from four bird families, with the majority being Hawaiian Honeycreepers (subfamily *Drepanidinae* within *Fringillidae*). Comments on the draft recovery plan are due by 15 December 2003. For further information, contact Jay Nelson, FWS at (808) 541-3441.

Legislative Developments

The 2003 legislative session began 15 January and ended 1 May. A summary of significant environmental legislation that was enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.capitol.hawaii.gov/sessioncurrent/bills>.



NEVADA

Regulatory Developments & Other State Information

No significant environmental regulatory activity to report.

Legislative Developments

The 2003 legislative session began 3 February and ended 2 June. A summary of significant environmental bills that were enacted and signed was included in the July Review. For more information on the legislative session, link <http://www.leg.state.nv.us/>.

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